

COASTAL CONSERVANCY

Staff Recommendation

May 18, 2005

**INTERTRIBAL SINKYONE WILDERNESS
PUBLIC TRAILS PROJECT**

File No. 05-007

Project Manager: Su Corbaley

RECOMMENDED ACTION: Consideration and possible authorization to disburse up to \$67,000 to the InterTribal Sinkyone Wilderness Council to undertake the environmental review and permitting phase for the construction of three trails on the InterTribal Sinkyone Wilderness (ITSW).

LOCATION: The Lost Coast Region of northern Mendocino County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to \$67,000 (sixty-seven thousand dollars) to the InterTribal Sinkyone Wilderness Council (“the Council”) to prepare environmental documentation and procure necessary permits for the construction phase of its Public Trails Project on the InterTribal Sinkyone Wilderness, as depicted in Exhibit 1 of the accompanying staff recommendation. This authorization is subject to the condition that, prior to the disbursement of any Conservancy funds the Council shall submit for review and written approval of the Executive Officer of the Conservancy a work plan, budget, schedule for the project and the names and qualifications of any contractors to be employed to carry out the work plan.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding access to the coast.
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
 3. The InterTribal Sinkyone Wilderness Council is a private nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”
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PROJECT SUMMARY: Disbursement of up to \$67,000 (sixty-seven thousand dollars) to the InterTribal Sinkyone Wilderness Council (“the Council”) will enable it to prepare environmental review documentation and procure environmental permits necessary for the Public Trails Project on the InterTribal Sinkyone Wilderness (“the ITSW”). The ITSW is adjacent to and east of the Sinkyone Wilderness State Park (“the State Park”), owned and operated by the California Department of Parks and Recreation (“DPR”).

While public coastal access in this region is available on the State Park, it can only be obtained from the southern- and northern-most boundaries of the State Park, making access along most of its extent difficult. The Public Trails Project on the ITSW will expand the access opportunities along the coast by providing access on the ITSW at designated camping locations and along designated trails to the State Park lands. The proposed project will start the implementation of the Public Trails Project for increased coastal access and when constructed, will result in the addition of 3 miles of new pedestrian trails. Additionally, the proposed project will further the Conservancy’s and Council’s goals begun in 1986 and solidified in 1996 with the acquisition of the ITSW property by the Council, and the completion in 2004 by the Council of an Access Plan for the Public Trails Project that identifies appropriate visitor facilities and trail locations. Further, the proposed project would confirm the Council’s commitment to providing public access across its property.

The proposed project involves data collection including assessments of biological and cultural resources on the property via visual survey and records research, final evaluation of trail routes identified in the 2004 Access Plan relative to those resources, determination of construction costs, evaluation of potential environmental impacts resulting from access improvements, preparation of documentation pursuant to the California Environmental Quality Act (CEQA) and procurement of necessary permits from state and local agencies. The Council has consulted the Roads, Trails and Resources Program of the Department of Parks and Recreation North Coast Redwoods District to develop the scope and cost estimate for this project. DPR will work with the Council to complete the project.

The Council is a non-profit 501(c)(3) organization whose purposes include the preservation of land for scenic and open space opportunities. The Council is qualified to carry out the proposed project as shown by its successful completion of other planning and enhancement projects on its property.

Site Description: The ITSW is located in northern Mendocino County in a remote section of California known as the Lost Coast. It is comprised of nearly 4,000 acres and shares a north-south boundary with the 8,200-acre Sinkyone Wilderness State Park. Together, the properties

consist of a rejuvenating coastal redwood habitat that had been harvested for its timber. 7,100 acres of the Sinkyone area acreage had been slated for harvest at the time of purchase by the Trust for Public Land (“TPL”) in the early 1980s. Coastal salmon streams meander through the properties. Historically, the Sinkyone, a coastal Native American population, inhabited the lands. The area is significant for its cultural resources and for its remarkable scenic, open space and habitat values.

Project History: The Conservancy has been involved with projects in the InterTribal Sinkyone Wilderness since the mid-1980s when it began working to facilitate the sale of nearly 4,000 acres of land (that would become the ITSW) from the TPL to the Council. TPL had acquired over 7,000 acres of redwood lands along the Mendocino coast, in part with a \$1.1 million dollar loan authorized by the Conservancy. In 1996, the Council acquired nearly 4,000 acres of the property from TPL and established the InterTribal Sinkyone Wilderness. The remaining 3,000 acres held by TPL was added the Sinkyone State Park, to create over 8,000 acres owned and managed by the California Department of Parks and Recreation. In 1996, in conjunction with the acquisition of the property by the Council, the Conservancy funded the acquisition of a conservation easement over the ITSW by another non-profit organization. As part of the transaction, TPL recorded offers to dedicate public access easements over the ITSW property, which can be accepted by the Conservancy or its designee only if the property owner fails to develop and maintain public access trails on the property. The Conservancy has long supported the Council’s efforts to plan for, develop, and manage public access on its property, and staff expect to recommend funding for trail construction once environmental review and permitting is completed.

In February 1998 and December 2000, the Conservancy authorized funds for access planning on the Council’s property, in order to identify and design appropriate visitor camping facilities and trails to connect to the public trails on the Sinkyone Wilderness State Park, to its west. In August 2004, the Council completed the plan for its Public Trails Project, and is ready to conduct the necessary environmental review and permitting activities.

Other Conservancy projects on the ITSW include the 2001 authorization of funds for the Council to complete in-stream salmonid habitat improvement projects along Jackass Creek (Wolf Creek), which traverses from its headwaters on the ITSW to the Pacific Ocean on the Sinkyone Wilderness State Park. The construction for that project was completed in 2004; the winter monitoring and final report will be completed in 2005.

PROJECT FINANCING:

Coastal Conservancy	\$67,000
InterTribal Sinkyone Wilderness Council	2,760
DPR	<u>1,980</u>
Total Project Cost	\$71,740

The proposed funding source for the Conservancy’s contribution is Proposition 40, the “California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002”. The project is consistent with this funding source in that it would be carried out consistent

with the Conservancy's enabling legislation (Public Resources Code Section 5096.650), specifically with regard to public access and the development of land and water resources along the coast. In addition, the proposed project is appropriate for Proposition 40 grant funding priority, since it includes a commitment of matching funds (Public Resources Code §5096.651).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Sections 31400 *et seq* of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy funding would enable the Council to begin implementation of a system of trails across its property to connect with public access on the adjacent Sinkyone Wilderness State Park. The proposed funding authorization is thus consistent with Public Resources Code Section 31400. It is also consistent with Section 31409, which authorizes the Conservancy to assist non-profit organizations to establish and expand inland trails systems that may be linked to the California Coastal Trail.

Consistent with Sections 31400.1 and 31400.2, the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes. The property is located in a remote part of the State that is highly regarded for its scenery and recreational opportunities. This project will make alternate routes to the Sinkyone Wilderness State Park available to the public.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which states that the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal access ways. The Conservancy funding would enable the Council to prepare the necessary environmental documentation and procure the required permits for the implementation of its Public Trails Project.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective B**, the proposed project will result in opening a previously inaccessible area for public access while protecting and restoring sensitive habitat.

Consistent with **Goal 1, Objective C**, the proposed project will result in the construction of approximately 3 trails within private ownership.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.

2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** State Senator Wesley Chesbro, State Assembly Member Patty Berg, and the California Department of Parks and Recreation support the project. See Exhibit 2 for copies of the support letters.
4. **Location:** The proposed project is located partially within the coastal zone of northern Mendocino County. The project will provide coastal access via views and appropriate development of scenic resources overlooking the Pacific Ocean, and connect to the coast via the State Park.
5. **Need:** The Council is in a position to make great progress toward the goals and objectives established when it acquired the property in 1997, but does not have funding to complete this review. The Council will provide 10% of the project cost, but without Conservancy funds, the project is not likely to occur and the highly anticipated public access links to the coast would thus be delayed indefinitely.
6. **Greater-than-local interest:** Hikers from around the world are drawn to the coastal regions of California and are particularly attracted to the beauty and remoteness of the Lost Coast. The proposed project will provide a connection to the coast through an area that is currently unavailable to the public.

Additional Criteria

7. **Urgency:** The public awareness of, and desire to access, the ITSW grows more each year, and requests to the Council for public access are increasing. The Council must continually control unauthorized access on its property in order to protect it from inappropriate uses that may effect its cultural and natural resources. Construction of the Public Trails System is urgently needed in order to provide the highly anticipated public access to the coast in a manner that would be protective of cultural and natural resources. The environmental review phase of the project is essential to the subsequent construction phase, both of which must be completed before these new areas can be opened to the public.
12. **Readiness:** The Council and State Parks are ready to begin the work in the summer of 2005, will complete the data gathering necessary to prepare the documentation during winter of 2005 and spring of 2006, and will begin the permitting process in 2006.
13. **Realization of prior Conservancy goals:** See “Project History”, above.
15. **Cooperation:** The Council will complete the project in cooperation with the Roads, Trails, and Resources Program of the California Department of Parks and Recreation North Coast Redwoods District to prepare an environmental review. The review will be consistent with that necessary to successfully integrate the trails on the ITSW with the Sinkyone Wilderness State Park. The Council and Parks have worked cooperatively on the habitat improvement project on Jackass Creek.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Chapter 4 of the MCGP, Coastal Element, presents the Descriptions and Policies for Thirteen Planning Areas. The Usal Road Coastal Trail, and its associated potential trails, are discussed as designated in the County approved trails plan for development. Specifically, the Usal Road

Coastal Trail is defined “as “approximately 30 miles of County maintained road, suitable for hikers and equestrians. **Potential for trails to connect to the shoreline**”,[sic] and “designated in the County approved Trails plan for development.”

Further, the MCGP discusses trail development in the Lost Coast. Specifically, Policy 4.1-11 states “[t]he coastal trails for hiking and equestrian use which connect Usal Road with coastal beaches along the Lost Coast area should utilize existing roads and trails where feasible to minimize impacts to the environment. Parking areas at the Usal Road trailheads shall be provided to encourage hike-in recreation.”

The proposed project is consistent with the foregoing in that 1) it will fulfill the recommended potential to develop trails to the coast off Usal Road, and 2) completes the evaluation and feasibility review for location and trail alignment, to ensure environmental impacts are minimized.

COMPLIANCE WITH CEQA: This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations (CCR) Section 15262.

The InterTribal Sinkyone Wilderness Council will prepare environmental documentation to plan for implementation of its Public Trails Project on its property. Section 15262 exempts from CEQA review projects that involve only planning for future actions that have not been approved, adopted, or funded by the Conservancy.

Staff will file a Notice of Exemption upon approval of this project.